

H 856

CONGRESSIONAL RECORD — HOUSE

February 9, 1976

Mr. MAZZOLI. Mr. Speaker, once again the issue of campaign reform is squarely before the Congress. We have our work cut out for us.

We must reconstitute the Federal Election Commission as a near-term first step. There are several recommendations pending. I favor making the Commissioners appointees of the President, subject to Senate confirmation, with as much independence as is possible to create for them.

Congress should act quickly on this legislation so what remains of the act can be enforced.

We must, in the long term, face the unpleasant fact that our efforts to regulate congressional campaign spending have not met the constitutional test. So, time has finally come to take a serious look at public financing for House and Senate races.

This proposal is thorny and fraught with anticipated and unanticipated problems. But, we cannot afford to backslide to the "old" system where campaigns are won or lost, depending upon the presence or absence of big money.

I commend the gentleman from New York for sponsoring this special order. It provides an appropriate forum for the discussion of this many-faceted matter.

GENERAL LEAVE

Mr. PEYSER. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TO PROTECT THE LIVES OF INTELLIGENCE EMPLOYEES OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, the first bill (H.R. 11365) I introduced in this session was designed to protect the lives of intelligence employees of the United States, and was prompted by the tragic murder of Richard Welch, a CIA employee, during Christmas week in Athens, Greece. Many of us were shocked and dismayed to learn that Welch's murder may have been caused by his having been publicly identified as an employee of the CIA.

In researching whether there was any law providing for criminal penalties against anyone blowing the cover of people engaged in intelligence work for the United States, I was advised that there was none, even though we do have laws on the books with criminal penalties prohibiting the premature disclosure of crop estimates, the names of borrowers from the Federal Land Bank, tax return information, and the question of a civil service examination. My office immediately got in touch with the then Director of the Central Intelligence

Agency, William Colby, to determine whether he had a similar concern.

We also inquired whether there were any other incidents similar to the Welch case, which had not heretofore been publicly revealed and if so, could they be declassified.

Late last month we received information from Acting CIA Director Lt. Gen. Vernon A. Walters in response to our request. To me, this information bolsters our case for the enactment of the legislation.

Mr. Speaker, intelligence is a vital national asset, but it does not generate itself. Intelligence sources and methods are painstakingly acquired and developed, often at high cost. It has taken 28 years for us Americans to build up the best foreign intelligence organization in the world. I have taken this special order as one who is concerned that the systematic exposure of our country's intelligence secrets is doing grave harm to our Nation's intelligence structure.

I think Senator MANSFIELD's remark the other day that the intelligence function is a cornerstone to national survival was well put. While I am very concerned about the general problem of protecting our country's intelligence sources and methods, today I would like to address the most pressing and acute aspect of this problem; namely, protecting the lives and safety of the people engaged in U.S. intelligence activities; this is the subject of my bill.

Mr. Speaker, in some cases identifying and exposing American intelligence personnel who are under cover is fingering them for murder. At this moment there are groups within the United States literally vying with each other to discover and publish the identities of American intelligence officers and agents, and there are no laws to stop them. The brutal slaying of Richard Welch has not deterred them; if anything it has encouraged them.

American intelligence personnel make attractive targets for the extremist groups and terrorist organizations that infest the modern world.

Mr. Speaker, my colleagues should know that the attack on Richard Welch was not an isolated case. I am sorry to say there have been other incidents. For example, very recently, in an area of the world in which a number of terrorist groups have been active, an American embassy official was identified by a local journalist as a CIA officer. The journalist's identification may have stemmed from an exposé of the CIA. It is unimportant whether that embassy official actually was or was not a CIA officer. The fact that he was alleged to be a CIA officer led to his being marked for assassination by a terrorist squad. The terrorist staked out an ambush. The American officer was not entrapped in the ambush; however, a local citizen was slain. It was a close call.

While I cannot discuss further details, I can tell you that other alarming reports have come to my attention concerning the identification of people who have been identified as intelligence personnel. Nor have the families of those pinpointed been spared.

Families of some of those identified have received numerous and graphic threats. There have been bombing attempts. In one country the local authorities found an extremist with photographs of the little children of one of the men identified.

It should be pointed out that many, if not most, of those labeled as CIA people are not in fact affiliated with CIA. And yet when some group identifies them as CIA personnel, they and their families become subject to the dangers and threats that intelligence personnel are now facing.

It is true that the main threat to our intelligence people comes from terrorist groups and extreme political parties. However, the Communist intelligence services have not shrunk from violence, kidnaping, and assassination to further their goals. Indeed, they have units specializing in these methods. In the Soviet intelligence service, the KGB, the group that specializes in violence, kidnaping, and assassination is the ultrasecret "Department V." Those in "Department V" gruesomely refer to their assignments as "wet jobs." We have all heard firsthand accounts of the KGB using these techniques against domestic dissidents. However, you should know that "Department V" has used violence, kidnaping, and assassination all over the world.

I do not know if Communist intelligence services have used such methods against American intelligence people. That is not my point. Nor can I prove an absolute cause and effect relationship between the exposures of CIA people and the recent threats and attacks against them by extremists. That is not my point either, although I personally think that it is a fair assumption that the exposures brought on the threats and attacks. My point is that in a world where there are ruthless adversaries and terrorist groups, it is foolhardy in the extreme to permit public identification of American intelligence personnel who are under cover.

We must realize that there are ugly back alleys in the world. Vigilance requires that we send dedicated men and women into these hostile places. Because of our legal and moral traditions we have placed restrictions on these men and women before sending them forth.

Usually the only thing going for them—the only protection we can extend to them—is their cover, their anonymity. Groups here in the United States whose stated purpose is to destroy our country's intelligence agencies are now methodically exposing our intelligence officers.

I cannot believe that Congress will sit safely here in Washington, smugly exploiting the intelligence information which these men and women provide it, and not lift a finger to protect them or their families. This would be a grotesque spectacle. But it is the spectacle which is taking shape right now.

Mr. Speaker, to date 43 Members have joined me in cosponsoring legislation making it a crime to identify American intelligence personnel operating under cover. I mentioned earlier in my remarks the Congress has enacted criminal sanctions to protect the questions on civil service exam. Congress has made

Agency is doing against the actions of a few individuals in the Agency.

The murder of CIA Agent Richard Welch in Athens recently made it all too clear that the lives of similar individuals will be placed in jeopardy if public identification of CIA agents continues.

I am of the opinion that the people of the United States expect Congress to see to it that information which would endanger the lives of our intelligence personnel, and furthermore the national security of this Nation, be kept out of the hands of our enemies.

Believing that some sort of action must be taken to protect the lives of our intelligence personnel, I have cosponsored H.R. 11526, which was introduced by my distinguished colleague from Illinois, Congressman ROBERT H. MICHEL.

I strongly urge your support for this legislation which will prohibit public identification of individuals involved in CIA operations.

This bill provides up to 10 years in prison and a \$10,000 fine for persons convicted of identifying any individual who has at any time or is presently engaged in intelligence operations.

The newspaper disclosure that Richard Welch was a CIA agent almost unquestionably led to his untimely death. This legislation restricts future disclosures of this type in newspapers, although the bill should not raise serious first amendment objections because it works very much like a libel law.

Anyone is free to publish anything he wants, but that person can subsequently be prosecuted if that publication violates the rights of another person.

In the case of public disclosures of CIA agents, this is exactly what happens. The fact that the agents are publicly identified literally puts their lives in jeopardy.

The lives of the courageous people engaged in U.S. intelligence operations must be protected to the greatest extent possible.

For this extremely important reason, I ask for your careful consideration. Hopefully, such consideration will result in your support for H.R. 11526—legislation that is vital to the continuation of our strong intelligence forces.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. PATERSON of California). Is there objection to the request of the gentleman from Illinois?

There was no objection.

EMERGENCY FEC RULE: FIRST THINGS FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 15 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, as a member of the Rules Committee, I am today introducing an emer-

gency rule to permit prompt House consideration of legislation to reconstitute the Federal Election Commission in response to the recent Supreme Court decision. Under the terms of this rule, upon its adoption the House would immediately resolve itself into the Committee of the Whole House to consider the bill H.R. 11736 introduced by Congressman FRENZEL and MIKVA on February 5, 1976. Their bill is identical to S. 2911 introduced in the other body by Senators SCHWEIKER, CRANSTON, BEALL, MONDALE, and others on February 2, 1976. The bill simply amends section 310(a) of the Federal Election Campaign Act to provide that all six members of the Federal Election Commission be appointed by the President, by and with the advice and consent of the Senate. At present, four of the six members are appointed by the Congress, and therein lies the constitutional rub. The Court held that a Commission so constituted could not exercise powers reserved by the Constitution for executive and independent regulatory agencies; namely, the powers to issue regulations and advisory opinions, bring civil actions against violators or recommend prosecutions to the Justice Department, or direct the Treasury Department to disperse Federal matching payments to Presidential candidates. After March 1, the Commission will be stripped of all such powers except its record-keeping, investigative, and informational functions. The Court purposely granted this 30-day stay to give the Congress time to enact corrective legislation.

WHAT ARE THE ALTERNATIVES?

Mr. Speaker, various alternatives to this simple FEC reconstitution approach have been discussed. There are some who would just as soon completely abolish the Commission and return to the previous system of having the Clerk of the House, Secretary of the Senate and Comptroller General administer the election laws with respect to House, Senate and Presidential races. Nothing in my mind could bring greater disrepute and shame to the Congress than to adopt this approach. There are others who, for one reason or another, want to shift the administration of the Presidential financing program from the FEC to the GAO, at least on a temporary basis. The problem with this approach, obviously, is that the other important functions of the FEC fall between the slats in the meantime—rule-making, advisory opinions, enforcement. Moreover, once such a so-called stopgap measure is adopted, the pressure will be off for reconstituting the FEC and on for extending the stopgap approach through the elections, if not permanently. Finally, with respect to this approach it should be noted that the Comptroller General, Mr. Staats, in a letter to the Speaker on February 5, 1976, wrote, and I quote:

I am much concerned about the workload impact of this possible additional responsibility on this Office burdened as we are with ever-increasing responsibilities placed upon us by the Congress. As you undoubtedly know, we have no budget to undertake this work. The Commission as to how it has carried out its audits and investigations preparatory to certification. As you

can well appreciate, I would not want to certify payments without first-hand knowledge on my part to assure eligibility of candidates for the funds requested.

General Staats goes on in his letter to note the practical impossibility for the GAO to make adequate preparation to assume this responsibility by the date specified by the Supreme Court. And he concludes by recommending that "the Congress act within the 30-day period to pass simple legislation authorizing the appointment of the Commission by constitutional means."

Mr. Speaker, I have no doubts as to the sincere motives of the principal authors of the interim GAO approach, Senators SCOTT and KENNEDY. It was their intention to buy time for the Congress to consider a more comprehensive amendment to the Federal election law—partial Federal funding of Senate primary campaigns, and optional full-Federal financing of Senate general election campaigns. This ambitious amendment is title II of S. 2912 which they introduced on February 2, 1976; title I would reconstitute the FEC in conformity with constitutional requirements. As coauthor of similar proposal in the House (H.R. 9100) with the gentleman from California (Mr. PHIL BURTON) and over 200 cosponsors, I am in sympathy with this objective, though our bill would only provide Federal matching payments for congressional general election campaigns. But from a purely practical standpoint, I don't think it realistic to expect the Congress to enact such a controversial program, even by April 30 of this year. And, even assuming we could, we would then be burdening the FEC not only with the resumption of responsibilities for the presidential campaign financing program, but a brand new congressional program as well. Nothing in my opinion could throw the FEC and 1976 congressional campaigns into more confusion and chaos than this ambitious approach at this time.

Mr. Speaker, there is yet another approach being suggested which was reported in the press this past weekend. According to an article by Mary Russell in the February 7 Washington Post, three House Democrats will today be introducing a bill to not only reconstitute the FEC, but establish an independent special prosecutor within FEC to handle both civil and criminal suits, eliminate corporate political action funds, and give the Congress veto power over FEC advisory opinions. Again, Mr. Speaker, the problem with this approach at this time is that it puts forth a number of very controversial amendments that are bound to delay final action on a bill, and it in effect opens the entire Federal Campaign Election Act to other amendments as well. The amendment process on this bill could make last year's prolonged deliberations on energy legislation look like a unanimous consent request. Again, I do not question the sincere motives of the authors of this proposal; but I do question their judgment in thinking we could somehow dispose of such legislation in just 2 weeks time. The proposal for a permanent prosecutor within the FEC, and outside